

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA

IN RE:)	
CAMP LEJEUNE WATER LITIGATION)	Case No: 7:23-cv-00897
)	
)	
This Document Relates To:)	United States' Opposing
<i>ALL CASES</i>)	Statement of Undisputed
)	Material Facts

The United States respectfully submits this Opposing Statement of Undisputed Material Facts in support of its Response to Plaintiffs' Motion for Partial Summary Judgment, pursuant to Local Civil Rule 56.1(a)(2).

I. United States' Responses to Plaintiffs' Statement of Undisputed Material Facts [D.E. 186]

1. Admit.
2. Admit.
3. The United States admits that Thomas Bassano died on May 26, 2017. The United States is unable to present facts essential to justify its opposition to whether Thomas Bassano died from non-Hodgkin's lymphoma and whether he had a history of prostate and colon cancer.
4. Admit.
5. Admit.
6. Admit.
7. Admit.
8. Admit.
9. Admit.
10. Admit.
11. Admit.

12. The United States admits that the Onslow County Clerk charges a filing fee of at least \$120.00 to begin the estate administration process and apply for letters testamentary. The United States admits that the Onslow County Clerk may charge other fees, but is unable to present facts essential to justify its opposition to whether the Onslow County Clerk charged initial fees of \$135.00, or whether those charges were paid by Ms. Bassano or her attorney.

13. Admit.

14. Admit.

15. Admit.

16. Admit.

17. The United States is unable to present facts essential to justify its opposition to whether James Earl Miller served in the United States Marine Corps at Camp Lejeune from November 4, 1973 to June 30, 1975 and from January 1, 1976 to March 31, 1976.

18. The United States admits that Mr. Miller died on or around March 3, 2015. The United States is unable to present facts essential to justify its opposition to whether Mr. Miller died from Parkinson's disease, among a number of other medical problems.

19. Admit.

20. The United States admits that Ms. Miller is 73 years old. The United States is unable to present facts essential to justify its opposition to whether Ms. Miller lives on a fixed income.

21. Admit.

22. Admit.

23. Admit.

24. Admit.

25. Admit.

26. The United States admits that Mr. Armstrong died on or around December 3, 2018, at the age of 71 in New York. The United States is unable to present facts essential to justify its opposition to whether Mr. Armstrong was diagnosed with kidney cancer in 2018.

27. Admit.

28. Admit.

29. Admit.

30. Admit.

31. The United States admits that the Onslow County Clerk charges a filing fee of at least \$120.00 to begin the estate administration process and apply for letters testamentary. The United States admits that the Onslow County Clerk may charge other fees, but is unable to present facts essential to justify its opposition to whether the Onslow County Clerk charged Ms. Armstrong initial fees of \$135.00, or whether those charges were paid by Ms. Armstrong or her attorney.

32. Admit.

33. Admit.

34. Admit.

35. The United States admits that James Key, Sr. was stationed at Camp Lejeune from approximately 1961 through 1963. The United States is unable to present facts essential to justify its opposition to whether James Key, Sr. and Patricia Key lived at Camp Lejeune during this time.

36. The United States admits that Patricia Key died on March 31, 2022. The United States is unable to present facts essential to justify its opposition to whether Ms. Key was diagnosed with non-Hodgkin's lymphoma and an autoimmune disorder.

37. Admit.

38. Admit.

39. Admit.

40. The United States admits that James Key, Sr. died on or around January 21, 2024.

The United States is unable to present facts essential to justify its opposition to whether Mr. Key suffered from Parkinson's disease.

41. Admit.

42. Admit.

43. Admit.

44. Admit.

45. Admit.

46. Admit.

47. Admit.

48. Admit.

49. Admit.

50. Admit.

51. Admit.

II. United States' Opposing Statement of Fact

52. Lief Cabraser Heimann & Bernstein, LLP maintains a website which states "the government has made it possible to seek compensation if you file a claim with the Navy by August 9, 2024 and then file a lawsuit under the Camp Lejeune Justice Act." Bu Decl., Ex. A.

53. Ward & Smith, P.A. maintains a website which states "Due to the impending deadline for all claims in this litigation to be filed in August, we will be unable to accept any new Camp Lejeune claims in June or July." Bu Decl., Ex. B.

54. Motley Rice LLC maintains a website which states "The deadline is in August 2024." Bu Decl., Ex. C.

55. Law Offices of James Scott Farrin maintains a website which states “The deadline is two years to file a Camp Lejeune water contamination claim” and “While two years may sound like a long time, we urge all victims to consult with an attorney immediately.” Bu Decl., Ex. D.

56. Mandell, Boisclair & Mandell Ltd. Maintains a website which states “You Have Limited Time to Act” and “Under this law, those affected by water contamination at Camp Lejeune have only two years from when the statute was enacted to file a lawsuit.” Bu Decl., Ex. E.

57. Pangia Law Group maintains a website which states “The time to file claims under the Camp Lejeune Justice Act is limited; it will expire on August 9, 2024. So, it’s essential to act quickly.” Bu Decl., Ex. F.

Respectfully submitted May 22, 2024.

/s/ Nathan J. Bu
NATHAN J. BU
Trial Attorney, Torts Branch
Environmental Torts Litigation Section
U.S. Department of Justice
P. O. Box 340, Ben Franklin Station
Washington, D.C. 20044
E-mail: nathan.j.bu@usdoj.gov
Telephone: (202) 705-5938
Fax: (202) 616-4989

Attorney inquiries to DOJ regarding the
Camp Lejeune Justice Act:
(202) 353-4426